

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
September 13, 2011**

A regular session of the Winchester Common Council was held on Tuesday, September 13, 2011 in the Council Chambers, Rouss City Hall. President Jeff Buettner called the meeting to order at 7:00 p.m.

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Hill, John Tagnesi, Les Veach and John Willingham; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor (8)
ABSENT: Vice-President Art Major (1)

MOMENT OF SILENCE – President Buettner led the citizens and member of Council in a Moment of Silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and members of Council in the Pledge of Allegiance.

APPROVAL OF MINUTES – August 9 Regular Meeting, August 16, 2011 Work Session, and August 23, 2011 Work Session

Mayor Minor moved to approve the minutes of the August 9, 2011, August 16, 2011, and August 23, 2011 meetings. *The motion was seconded by Councilor Willingham then unanimously approved 8/0.*

REPORT OF THE MAYOR

Mayor Minor presented the Cal Ripken 10 Year Old Baseball Team with certificates of appreciation.

Mayor Minor presented Blaine Johnson with a proclamation honoring the 2011 “Fill the Boot” campaign. Mr. Johnson stated the Fire & Rescue Department raised \$17, 333.32 for Muscular Dystrophy.

REPORT OF THE CITY MANAGER

Acting City Manager Anthony Williams stated Council has been given a proposed alternate resolution for R-2011-35 regarding the Millwood Avenue Diversion. The alternate differs slightly from the one in the packet in regards to the fourth bullet in the last paragraph. If Council chooses, a motion will be required to adopt the alternate in lieu of the resolution submitted in the packet.

Mr. Williams stated information has been received regarding O-2011-43 Clifford Street Vacation which may suggest the right of way be 50 feet instead of 56 feet. He recommended the item be tabled to confirm the distance.

Vice-Mayor McInturff moved to table O-2011-43 as recommended. *The motion was seconded by Councilor Willingham then unanimously approved 8/0.*

Mr. Williams stated staff continues to review ways to decrease the size of the agenda packets and to move to the use of an iPad for paperless meetings.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams presented two minor discrepancies in R-2011-32 regarding the pro-rata share of insurance and the rent free periods during extensions. Mr. Williams also presented a motion to acknowledge and accept terms of two cases involving the city.

Motion to acknowledge and accept the terms of the Consent Decrees in case no.: 5:11-cv-00029 (Fultz v. City of Winchester) and 5:10-cv-114 (Marcavage v. City of Winchester)

Councilor Willingham moved to acknowledge and accept the terms of the Consent Decrees in Fultz v. City of Winchester and Marcavage v. City of Winchester. *The motion was seconded by Councilor Veach then unanimously approved 8/0.*

PUBLIC HEARINGS

O-2011-37: Second Reading – AN ORDINANCE TO ADOPT SECTION 31-45 AND 31-65 OF THE WINCHESTER CITY CODE PERTAINING TO FEES ASSESSED TO CAB COMPANIES

John Nelson of 1720 Handley Avenue stated he and his family own Polly's Cabs. For someone who wants to be a taxi cab driver the cost is \$75.00 and it can take up to four weeks. That is an increase of \$25.00 under the proposed ordinance. If you are robbed, the taxi cab permit which was probably in your money bag will also be taken. That will cost \$25.00 to replace under the new proposal. If you are a driver that has enjoyed the job for 3 years, it will cost you \$50.00 for renewal to keep driving. The cost of renewal is the same as a new applicant which seems crazy since you do not have to go back through the entire process. The increases don't sound like much on paper and he doesn't expect it to be obvious but it is complicated. Taxi cab drivers live in a different world. It is a world where \$5.00 is a big deal and \$25.00 is an even bigger deal. You asked the police department to make sure the drivers are safe and that is reasonable. He agrees and supports that but believes the fees should not discourage employment. They do it today and these fee increases will increase that discouragement. The fee increases themselves seem to be arbitrary. They don't take into account the community or the effect they will have on the drivers and they are the highest in the state. They are equal to rates in other areas which do regulate their taxi cabs very strictly and will be the highest in the state. The Chief who does a fantastic job giving the lack of regulation in the city told him that after first suggesting \$125.00 would be appropriate to apply for a taxi cab license permit "I believe a nice round \$50 sounds good." It is impossible for him to know or judge the impact these fees will have and it would be ridiculous for Mr. Nelson to try to explain to him why. The new fees and increases will push our small companies down a rabbit hole that we shouldn't be in the first place. We are not provided entry regulation needed to protect and allow us to be successful. It is an expensive industry and it is very expensive to do the right things but it is easy to cut corners and it is easy to get away with it. The penalties are not enough. The police department spends a considerable amount of time

tracking down complaints on illegal companies and drivers as well as those companies with certificates. They are given no choice but to permit more and more companies to open furthering the problem. Each new company is a risk and a liability to the city of Winchester. New companies don't necessarily benefit anyone and will certainly hurt the businesses that have spent so much time and effort to be established. He thinks it is appropriate to not raise the increases for the drivers one penny and make regulation a priority. The past and the present are good indicators of what will go wrong in unregulated and misunderstood transportation industry especially with an economy in the shape it is in now.

Ron Pruitt of Taxi USA stated he addressed Council about 8 years ago regarding the conditions for getting permits after 9/11. At that time, the discussion was about getting temporary permits within 48 hours. The temporary included a local background check and an affidavit that stated the record was clean prepared by the City Attorney. The fee was an extra \$10.00. Today, that affidavit is no longer in the packet. You use to be able to get fingerprinted Monday through Friday. Now, it is only done on Tuesdays and Thursdays by one part-time police officer. If the officer is not busy doing something else, he is permitted to do the background checks. If he is off on a special assignment such as the Cal Ripken World Series, his hours are used up by that. Mr. Pruitt asked Council to reconsider before voting to see what the drivers are actually getting for their dollar. They would pay more if they got more but it is hard enough to get people employed. Even President Buettner stated 8 years ago he didn't think he could hire somebody if they had to wait that long of a time. He would like to know how the process went from 48 hours to a week, two weeks and sometimes longer. Now, the drivers are being asked to pay \$50.00 to wait 2-3 weeks to get a permit. Most companies have the luxury of sitting down for an interview and asking if the person can start tomorrow. The taxi industry does not have that luxury. They have to wait until the background check is done before putting that person to work. His company had to go one step further and implemented a drug test. He cannot afford to pay for a drug test for something he doesn't know if he is going to get or not. He asked Council to hold off on voting on this until another discussion can be held on how it should be approached.

Bob Bartley of 130 Morgan Street stated he has been in business in Old Town for almost 60 years. He has served as chairman of the Old Town Development Board on two occasions and is a property owner in the secondary and primary district in Old Town. He came to address Council regarding the post office. While he was chairman of the OTDB thirty years ago, he drove to Maryland and entered into a contract with the post office to come here and open a full service post office in one of his properties on Main Street. For all of those 30 consecutive years, that post office has made a profit. It is making a profit today. He presented Council with a petition of almost 900 signatures from individuals wanting this post office to remain open. He likes to think of this post office as the main post office here because it is where the people are. It serves the City employees, the County employees, the police departments, the attorneys, the banks, the businesses, and the Winchester House with 80 apartments of elderly citizens living there. It has been said to him by some of the people at the Pleasant Valley post office that since they are only two blocks away, it shouldn't be any problem for these people to go there. He stated try to tell that to someone without a car or in a wheelchair or a walker. Try telling that to someone who has to ride a bus and spend 2-3 hours getting there and back. If you are lucky, you will get a place to park when you get there that is not blocks away. When you get to the window, how long is that line going to be or are you going to be standing

outside in the rain or snow. He stated they can hardly handle the business now at that location. We are all tax payers and are entitled to certain benefits the government serves us. He thinks right now, the post office is needed more than ever. It is time for each of us to speak up and talk to our representatives and tell them you want service. We deserve that. It is his understanding Council is going to pass a resolution tonight with a letter of support from the OTDB and Old Town Business Association. He thanked them, Council and all of those who signed the petition and encouraged everyone to continue this effort until the battle is won.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:33 p.m.

Councilor Willingham moved to table O-2011-37. *The motion was seconded by Vice-Mayor McInturff then unanimously approved 8/0.*

President Buettner asked Mr. Williams to have Interim City Manager Craig Gerhart form a small group to look at the ordinance in its entirety for timing issues and to bring it back in January.

Mr. Williams asked if a member of Council would like to serve as part of the group. President Buettner stated he would ask Council.

O-2011-38: Second Reading – AN ORDINANCE EXEMPTING PROPERTY OWNED BY NW WORKS FROM TAXATION BY DESIGNATION FOR THE IMPROVED PROPERTY THAT IS CURRENTLY LOCATED ON A PARCEL OF LAND LOCATED WITHIN THE CITY OF WINCHESTER AT 3085 SHAWNEE DRIVE IDENTIFIED AS TAX MAP ID NUMBER 351-1-1

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:35 p.m.

Councilor Veach Councilor Clark moved to adopt O-2011-38. *The motion was seconded by Councilor Clark then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Absent
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Aye
Councilor Willingham	Abstained
President Buettner	Aye

Motion: Approval of 2010 U.S. Department of Housing and Urban Development Consolidated Annual Performance Evaluation Report (CAPER)

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:36 p.m.

Councilor Willingham moved to approve the 2010 CAPER. The motion was seconded by Mayor Minor then unanimously approved 8/0.

President Buettner moved O-2011-19 to the Public Hearings.

Motion to remove **O-2011-19** pertaining to Home Occupation Standards from the table (Tabled at the August 9, 2011 Council Regular Meeting)

Councilor Willingham moved to remove O-2011-19 from the table. The motion was seconded by Mayor Minor then approved 7/0 with Vice-Mayor McInturff abstaining.

O-2011-19: Second Reading – AN ORDINANCE TO AMEND AND REENACT SECTION 18-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME OCCUPATION STANDARDS TA-11-204 (Public Hearing Closed August 9, 2010)

Stephen Arnold of 1531 South Loudoun Street stated this home occupation change does basically two things. It allows people to use their out buildings for their home occupation and allows them to hire up to 3 employees of which only one may be present at a time. It would require a case by case approval by conditional use permit. The neighbors and concerned citizens can state their opinions, concerns or support for each home occupation seeking a permit. In this economy, small businesses drive the economy as far as hiring goes. This would be beneficial to the City in several ways. It would allow small businesses to grow to a middle step before they can lease or purchase commercial property. It safeguards the citizens by requiring 3 off street parking spaces to prevent taking parking from neighbors. He has taken suggestions from several different sources to change the text amendment over the last few months. He thinks he has struck a nice balance so that it is good for small businesses, has the safeguards for parking, and allows for public input and a vote of City Council on each business.

Michael Butler of 2653 Windwood Drive stated he is the current president of the South End Citizens Association. At the association's July 7th meeting, the members voted their opposition to this text amendment. It was felt that even with the changes; this text amendment would potentially change the character of neighborhoods in Winchester. Winchester is a community of neighborhoods. It would open the door for potential future expansion of this text amendment to allow further uses of business operations in neighborhoods. Our neighborhoods in this city, due to a lack of space, are under siege in many areas. He stated the Greystone Terrace area is one that on three different sides is under siege due to businesses. Not business within the street but this is an example of neighborhoods that are being eroded to some degree inside and outside. New Urbanism, which he fully endorses and embraces, allows for the close proximity of businesses and residences. However, in those communities, the businesses are planned for that type of activity. Even though this is a CUP, it does allow for the potential flood gates to be opened. Once one is approved, it allows for potentially many others to be approved. It is hard to turn down one once you allow one. Enforcement would be tough. The office of

Zoning Enforcement under Mr. Diem is currently an office with a lot on its plate. This is something else for them to take on. The return on investment, taxes, would be minimal. He thinks the benefit derived from this potential text amendment would be would be something that we would later regret.

Carolyn Gardner of 2320 Stoneridge Road stated she supports this amendment. She thinks it would be a minor change to enable small businesses to have a stepping stone in which they can build to become a larger business in a commercial area. She does not think this opens up any opportunity for big businesses at home because it has many restrictions on it. She thinks it is a very simple, little change that could help our economy in the poor economic climate we have today.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:43 p.m.

Councilor Willingham moved to adopt O-2011-19. The motion was seconded by Councilor Clark.

Councilor Willingham stated he doesn't think the policy itself is the best way to achieve what Mr. Arnold is trying to achieve but under the circumstances this is the method we have before us. From talking to Mr. Diem, it is the only mechanism we have to date to achieve this. He believes Mr. Arnold said a lot of good things. He is trying to promote his business and to work with Council by removing the sign piece that would have been a big deterrent in getting his vote. By placing this as a conditional use permit, Council is enabled to allow the community to have input to discuss this. It is not the perfect way to get there but it has a lot steps and processes that can prevent a bad application from going forward but can allow a good application such as this to go forward. Councilor Willingham has received a phone calls and emails from Mr. Arnold's neighbors supporting this in their neighborhood. Councilor Willingham asked Mr. Diem to confirm the standard for employees in a home occupation. Mr. Diem stated the current standard is to be employed in a home occupation you must be a member of the household. Councilor Willingham continued to say given that there would not be that much of a difference in traffic. He is going to lean towards supporting small businesses and make a step to give Council the ability to regulate.

Councilor Hill stated he too will support this home occupancy. He thinks it is a good thing and the CUPs will allow Council to look at Mr. Arnold's business to determine if it should continue or not.

Councilor Clark stated the conditional use permit process has working in the past and sees no reason why it wouldn't work in the future. The ordinance gives Council the opportunity to expand the small home based businesses which are really the engine of our economy. In a time when our economy is in such dire straits, this will help spur our local businesses to give them that stepping stone to the next step. He trusts the CUPs will catch those situations like the other gentleman said that get out of hand and cause problems for the neighborhoods.

Councilor Veach stated he is trying to look at it long term. He thinks one thing many people invest in is their home and to have a neighborhood changed by a business moving in next door could affect their value. The ordinance does allow 3 employees with only

one there at a time but he is concerned about this causing neighbor to police neighbor. He thinks it is getting there but this is not the final product so he will not be supporting it.

Mayor Minor stated she agrees with Councilor Veach. She is concerned this will open Pandora's Box down the road. It is hard to deny a CUP without giving very good reasons. She does not think she can support it.

Councilor Tagnesi stated he doesn't believe a business plan should be written to start a home business, succeed, and then expand the home business. He believes the next step should be to go to a commercial facility to expand your business commercially. He will not support this.

President Buettner stated he is a small business person and believes in small businesses. However, the Planning Commission has looked at this twice in a lot more detail than Council has seen. They have recommended denial twice for very good reasons. If he had the ability to give Mr. Arnold a permit to operate his business, he would do it without any problem because Mr. Arnold has the perfect setup. However, Council can't do that. Council has to look at how this will affect the city as a whole. The city has zoning for a reason. We have residential neighborhoods, transitional neighborhoods that allow both, and commercial neighborhoods. He sees this as something that could become detrimental to neighborhoods. He also does not put as much faith in the CUP process as his colleagues. He cannot think of a time when Council has not approved one once precedence is set because the burden is on Council to show how it causes hardship. Once the rules are established, it is there and policing becomes an issue. Our Zoning staff has a lot on their plate. He doesn't think this is the right way to do this and cannot support it.

The ordinance was defeated by the roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Absent
Vice-Mayor McInturff	Abstain
Mayor Minor	Nay
John Tagnesi	Nay
Councilor Veach	Nay
Councilor Willingham	Aye
President Buettner	Nay

PUBLIC COMMENTS

John McAniff of 719 Pennsylvania Avenue stated from what he has read in the paper and has heard it seems the Millwood Traffic Diversion Study was flawed from the beginning. The company that was hired was done so at the recommendation and approval of one of the MPO board members who is also the treasurer of Shenandoah University. In that case, it should be scrapped and a new one should be picked with that person from Shenandoah University not having any say at all as it is a conflict of interest. He stated there is a very easy way to fix the traffic down there. He suggested putting up a sign that

shows Jubal Early and Highway 17/50/522 on the same two lanes but does not show Millwood branching off. That would clear up a lot of confusion with people coming into the city who have never been here before. The university says they are concerned about student safety but who forced them into buying the residential housing on the other side of the street. They did that on their own. They should have put in an overpass or underpass at the same time. He has seen too many students run or walk across Millwood Avenue while texting or talking on their phone and not watching where they are going. As far as he is concerned, this study is a flawed study and should be done over without input from Shenandoah University on who should do the study. He stated the cost should also be paid by the university since they wanted it. He asked how many more studies they are going to want so they can grab more land. He suggested letting them tear down the old Armory and build their concert hall there. There is plenty of parking there and they wouldn't need this study.

President Buettner stated for the record, he believes Mr. Shickle, who Mr. McAniff referred to, voted against Gorove/Slade and later abstained.

Mike Brill of 824 S. Loudoun Street presented Council with a petition with over 750 signatures to keep Millwood open. He stated Mr. Youmans gave a presentation to Council at the Work Session. One of the aspects he brought up for the closure is that it coincides with the water shed for Abrams Creek. However, he later talked about Shenandoah University wanting to build a concert hall with a parking lot. The water shed idea is gone because you just added a new building with a parking lot to it. It is no longer an excuse. He stated this is a public street and suggested putting it on the upcoming ballot to let the public decide whether to close it or not. It should not be Council's decision; it should be the public's decision.

Kenneth Candell of 127 Myrtle Avenue stated he traveled Route 50 from Washington D.C. all the way out to West Virginia for 40 years. He took the diversion being called Millwood and it took him to beautiful places. It took him to Old Town where he could get something to eat. It took him right around to the museum. It took him to a resting place on his travels at Jim Barnett Park. With Millwood being closed those 1000 feet, all of that traffic will be put into something called a right hand turn continuous lane. He has never seen one of those and doesn't think Council has either. Somewhere at the bottom of that lane in the report it says there will be a stop light. That stop light will back traffic up. You have entrances for Hampton Inn and Beltone Labs that are going to be blocked by people going in and out. That has not even been studied in the Gorove/Slade report. The other thing that has not been studied is the arch of the 90 degree turn for the traffic that is oversized. He is talking about trucks, tractor-trailers, dump trucks, and fire engines coming in from Frederick County in response to the agreement they have in support of our fire department in Winchester. He asked how they are going to make that turn when it is backed up. Millwood is an easement. It is kind of like a dam with the overflow over here where water can still pass even though the dam is blocked and Jubal Early is a dam. There are lights all the way back to the interstate that are not timed. He challenged if they will ever be timed. In their version of software it says the degradation in the wait will be minimized to no more than 7 seconds. That is theoretical. He asked what will happen to the traffic with people coming in to do business in Winchester from the development we read about in the paper occurring out on Route 50 towards the airport. He asked how we get traffic to the gentleman moving his business out of his home into a commercial space and to other businesses here. He hopes Council will take

the time and not spend additional monies, from Shenandoah or the City, without a complete examination of all the facets that are wrong.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:58 p.m.

CONSENT AGENDA

AGENDA

O-2011-38: First Reading – AN ORDINANCE TO AMEND AND READOPT SECTIONS 7-17 THROUGH 7-20A OF THE WINCHESTER CITY CODE IN ORDER TO INCORPORATE LOCAL NAMES PREVIOUSLY ADOPTED FOR VOTING PRECINCTS INTO THE PUBLISHED CODE OF ORDINANCES

O-2011-39: First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTION 29-13 OF THE WINCHESTER CITY CODE PERTAINING TO AN INCREASE SEWER RATES TO CORRECT A SCRIVENER'S ERROR

O-2011-40: First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-27, 29-28, AND 29-32 OF THE WINCHESTER CITY CODE PERTAINING TO DROUGHT MANAGEMENT AND WATER CONSERVATION

O-2011-21: First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT CERTAIN PROVISIONS OF THE PUBLISHED WINCHESTER CODE OF ORDINANCES PURSUANT TO THE CITY'S COMPREHENSIVE CODE REVIEW

O-2011-23: First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT THE WINCHESTER CITY CHARTER

O-2011-44: First Reading – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2012

O-2011-41: First Reading – AN ORDINANCE TO REZONE 0.2 ACRES OF LAND AT 448 AND 450-452 NORTH LOUDOUN STREET (Map Numbers 173-01-J-14 & 15) FROM LIMITED HIGH DENSITY RESIDENTIAL (HR-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH HW DISTRICT OVERLAY. RZ-11-412

O-2011-42: First Reading – AN ORDINANCE TO VACATE A PORTION OF NORTH KENT STREET RIGHT-OF-WAY ADJACENT TO 202 EAST PICCADILLY STREET AND 204 NORTH KENT STREET AND CONVEY IT TO THE OWNERS OF THE ADJACENT PROPERTIES SV-11-411

O-2011-43: First Reading – AN ORDINANCE TO VACATE A SIX FOOT WIDE STRIP OF WEST CLIFFORD STREET RIGHT-OF-WAY ADJACENT TO 221 ROSZEL ROAD AND CONVEY IT TO THE OWNERS OF THE ADJACENT PROPERTY SV-11-435

O-2011-45: First Reading – ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF WINCHESTER, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$25,060,000, TO PROVIDE FUNDS FOR CERTAIN IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEMS

R-2011-31: Resolution to authorize the issuance of a RFP for a range of systems including but not limited to the VHF Compliance Plan to the 800 MHz Conceptual Design

Vice-Mayor McInturff moved to approve R-2011-31. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*

R-2011-28: Resolution to authorize the Winchester Police Department to accept a Department of Justice Byrne Grant for the purchase of equipment and services

Mayor Minor moved to approve R-2011-28. *The motion was seconded by Councilor Willingham then unanimously approved 8/0.*

R-2011-29: Resolution to authorize the application for funding through the Virginia Fire Services Board Hardware Grant for the purchase of a desk-top computer or a network printer

Councilor Willingham moved to approve R-2011-29. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

R-2011-36: Resolution to authorize staff to move forward with the recommendation for funding for the South Loudoun Drainage Project and the Valley Avenue Drainage/Sidewalk Improvements.

Councilor Willingham moved to approve R-2011-36. *The motion was seconded by Councilor Tagnesi then approved 7/0 with President Buettner abstaining.*

R-2011-35: Resolution to accept the Gorove/Slade Millwood Avenue Traffic Diversion Study and Authorize Appropriate Next Steps

Vice-Mayor McInturff moved to adopt the alternate resolution presented. *The motion was seconded by Councilor Willingham then approved 7/1 with Councilor Clark voting in the negative.*

R-2011-32: Resolution to approve the development agreement by and between the Economic Development Authority and Oakcrest Properties, LLC concerning the redevelopment of 29-35 East Boscawen Street

Mayor Minor moved to approve R-2011-32. *The motion was seconded by Councilor Willingham then unanimously approved 8/0.*

R-2011-34: Resolution to affirm the City Council's Support for the Downtown Branch of the United States Post Office

Councilor Willingham moved to approve R-2011-34. *The motion was seconded by Councilor Veach then unanimously approved 8/0.*

Announcement: The resignation of Thomas B. Throckmorton as a member of the Social Services Advisory Board effective August 24, 2011 and direct the Clerk of Council to advertise the vacancy. Mr. Throckmorton was serving the first year of a four year term expiring March 31, 2015.

Announcement: The resignation of David K. Spence as a member of the Old Town Development Board effective August 30, 2011 and direct the Clerk of Council to advertise the vacancy. Mr. Spence was serving the first year of a three year term expiring October 31, 2013.

EXECUTIVE SESSION:

MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION AND/OR DISPOSITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED

Mayor Minor moved to convene into executive session at 8:04 p.m. *The motion was seconded by Councilor Veach then unanimously approved 8/0.*

Councilor Willingham moved to reconvene in open session at 8:30 p.m. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

Upon conclusion, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

MEMBER	VOTE
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Absent
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye

Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

ADJOURNMENT

Councilor Willingham moved to adjourn the meeting at 8:31 p.m. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*

Kari J. Van Diest
Deputy Clerk of the Common Council

Timbrook Public Safety Center
231 East Piccadilly Street
Winchester, VA 22601

Telephone: (540) 545-4721
FAX: (540) 542-1314
Website: www.winchesterva.gov

TO: Mr. Craig Gerhart
City Manager

Members Winchester Common Council

FROM: L. A. Miller, Emergency Management Coordinator

RE: Emergency Communications/Services Project

DATE: August 18, 2011

Attached for review and comment are documents relating to the design and status of the communications project as requested by members of Council. Several documents are attached including:

- Public Safety/Service Communications Conceptual Designs and Alternatives
- Conceptual Design Review
- Resolution Authorizing Issuance for Request for Proposal

Should members of Council have questions and/or comments relating to the presented materials I will be pleased to address such.

**City of Winchester Communications Project
Conceptual Designs
Review**

Reviewing Option	Probable Cost
<p>Public Sector Review – Request Virginia Department of Emergency Management (VDEM) and/or Virginia Information Technologies Agency (VITA) to provide review services and submit recommendations relating to materials produced by communications consultant contractor.</p> <p>Consideration of these agencies is based on the area of expertise within each agency relating to radio technology and their association with the Virginia Office of Veteran Affairs and Commonwealth Preparedness.</p>	<p style="text-align: center;">Most Probably No or Minimal Cost Associated</p>
<p>3rd Party Contractor – Issuance of RFP to obtain services of 3rd party consultant to review and submit recommendations relating to materials produced by communications consulting contractor.</p>	<p style="text-align: center;">Estimated \$5 - \$20k</p>



THE COMMON COUNCIL

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I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 14th day of September 2011 that the following Resolution is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 13th day of September 2011.

RESOLUTION

WHEREAS, the Radio Project Stakeholders, City staff has reviewed various options for improvements to the public safety communication system; and,

WHEREAS, in compliance with the Federal Communications Commission's regulations relating to narrowbanding is looming federal regulatory agencies to meet P25 technology; and,

WHEREAS, the Radio Project Stakeholders in coordination with the consulting personnel from Robert L. Kimball & Associates have deliberated and the Emergency Communications Project Manager has presented the findings and recommendation of the 800 MHz Trunked concept design, the 800 MHz and VHF Hybrid design and the Minimal Compliance Plan to Council for review and consideration.

NOW THEREFORE, BE IT RESOLVED that Common Council has received and reviewed the recommendation of City Staff as the Radio Project Stakeholders and has considered the qualifications and other factors associated with the project recommendation and hereby authorizes the issuance of a Request for Proposal for the 800 MHz conceptual design and the alternates and further authorizes the City Manager to sign all related documents relating to the Request for Proposal.

Resolution No. 2011-31.

ADOPTED by the Common Council of the City of Winchester on the 13th day of September 2011.

Witness my hand and the seal of the City of Winchester, Virginia.

*Kari J. Van Diest
Deputy Clerk of the Common Council*